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December 11, 2007

The Honorable Victor Marrero
United States District Judge
United States Courthouse
Southern District of New York
40 Centre Street, Mail Room (Room 15)
New York, New York 10007

Via Facsimile 212-805-6382

Re: Ana Margarita Martinez v. The Republic of Cuba, 07-cv-6607 (VM)

Dear Judge Marrero:

We represent Ana Margarita Martinez in the above-referenced matter. I write to you pursuant to Rule II(A) of this Court's Individual Practices to request permission to file a motion and proposed order to secure the reissuance of an Order of Attachment from this Court.

Mr. Anderson recently learned that the Motion for an Order of Attachment and Temporary Restraining Order and Incorporated Memorandum of Law ("Motion for an Order of Attachment") and the supporting Declaration of Joseph A. DeMaria, Esq. (The "Declaration") filed with this Court on July 23, 2007, may not have been served upon the Defendant, the Republic of Cuba. On July 23, 2007, along with filing the Summons and Complaint, Plaintiff also filed the Motion for an Order of Attachment, the supporting Declaration and a proposed Order of Attachment. The Motion for an Order of Attachment and the supporting Declaration were filed pursuant to § 6210 of the New York Civil Practice Law and Rules ("NY CPLR"), which allows a plaintiff to seek an order of attachment with notice to the defendant. The Court, after reviewing the Motion for an Order of Attachment and the supporting Declaration, entered the Order of Attachment on the same day – July 23, 2007.¹

¹On December 7, 2007, this Court entered a Final Default Judgment Against Cuba. Pursuant to 28 U.S.C. §1610(c), Ms. Martinez, must wait a reasonable period of time before she seeks a Writ of Execution from this Court. We have served Cuba with the Default Judgment pursuant to 28 U.S.C. §1608(e) and we will file a motion seeking a Writ of Execution after thirty days have expired from that service. In the meantime, the reissuance of the Order of Attachment will protect Ms. Martinez from any competing creditors who may seek to establish priority prior to the issuance of the Writ of Execution.

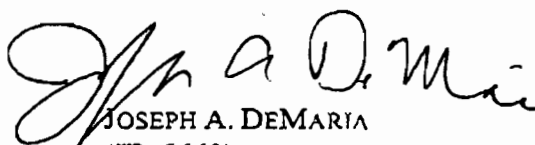
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I intended to serve Cuba with the Motion for an Order of Attachment and the supporting Declaration immediately after filing the papers with this Court. Although I thought that Cuba was served with both the Motion for an Order of Attachment and the supporting Declaration, I have not been able to confirm such service. If Cuba was not served with the papers supporting the Order of Attachment entered by this Court on July 23, 2007, then the Order of Attachment might be considered an attachment without notice. Pursuant to Article 62 of the NY CPLR, an order of attachment issued without notice requires the plaintiff, within 5 days after levy, to move for an order confirming the order of attachment. See NY CPLR § 6211(b). Because Plaintiff was operating under § 6210 of the NY CPLR, seeking an attachment with notice, Plaintiff did not move for an order confirming the Order of Attachment.

However, in light of the fact that I cannot confirm that Cuba was given notice of the underlying motion papers or the July 23, 2007 Order of Attachment, in an abundance of caution, Plaintiff respectfully requests that she be allowed to file a motion asking this Court to reissue an Order of Attachment.

I have already served the Motion for the Reissuance of Order of Attachment and Temporary Restraining Order and a proposed Order of Attachment to ensure worldwide compliance with the notice requirements of §§ 6210 and 6212 of the NY CPLR. DHL Express served Cuba on December 10, 2007 and a copy of the DHL receipt is attached to the certificate of service that will be filed with this matter. If the Court approves this request, I will file the Motion for Reissuance of Order of Attachment with the proposed Order.

Respectfully,


JOSEPH A. DEMARIA
(JD-5668)

cc: The Republic of Cuba (by DHL Express)
Bryan T. West, Esq.

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<p><i>Request GRANTED. Plaintiff is hereby authorized to seek the reissuance of an order of attachment against the Republic of Cuba in this action. After service on Cuba, proof of which shall be filed with the Court, and expiration of the applicable SO ORDERED: Time for response, Plaintiff may propose an appropriate order for Plaintiff's consideration.</i></p> <p>DATE 12-11-07 VICTOR MARRERO, U.S.D.J.</p>

TRW CARDENAS LLP